
(2022) 09 OHC CK 0174

In the Orissa High Court

Case No : Writ Petition (C) No.22322 Of 2018 ??Ikbal Javed

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APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 22-09-2022

Acts Referred:

Citation : (2022) 09 OHC CK 0174

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : J.K. Khuntia, A.K. Sharma

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Khuntia, learned advocate appears on behalf of petitioner. He submits, his client, from age one year, was administered three doses of polio vaccine. In spite thereof he suffered from polio resulting in permanent disability. He draws attention to page-12 under annexure-2 series being representation received by the Medical Officer on 9th September, 1993. He submits, thereafter mother of his client ran from pillar to post for obtaining redress on petitioner contracting the disease in spite of administration of vaccine.

2. He then draws attention to letter dated 6th April, 2018 from Director, PG and Ex-Officio, Additional Secretary to Government to Chief District Medical Officer, Cuttack. Text of the letter is reproduced below.

"In enclosing herewith the relevant papers and documents dated 04.04.2018 received from Smt. Sanjida of Cuttack district on the subject noted above, I am directed to request that joint enquiry on the allegation petition of Smt. Sanjida, W/o-Sk. Kamal Mustufa be conducted on war footing without brooking any delay in this sensitive matter. This matter has been brought to the notice of the Government and any delay in conducting enquiry shall tantamount to breach of

human rights and criminal breach of trust.

I, therefore, request to communicate the findings of joint enquiry to this Department for appraisal of Chief Secretary.

This may be treated as 'Most Urgent'."

In this regard he points out from paragraph-11 in the counter, position taken by State is that the letter is not available in the office.

3. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State. He submits, no evidence has been produced to demonstrate that petitioner took the vaccine. He relies on paragraphs 5, 7 and 9 in the counter.

4. State will file additional affidavit regarding endorsement of receipt as on 9th September, 1993 appearing at page-12 of the petition. State will also deal with request made in said communication dated 6th April, 2018 on grievance that polio vaccine administered was beyond expiry date of it.

5. List on 13th October, 2022.

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